


CHILD WELFARE IN MILWAUKEE , WISCONSIN

Approved:

A handwritten signature in black ink that reads "Tom Lo Giudice". The signature is written in a cursive style with a long horizontal stroke at the beginning.

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CHILD WELARE IN MILWAUKEE WISCONSIN

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Abstract

With laws being passed and changes being made the real problem at hand is that the workers for the bureau are being over worked. They have a high case load which in return is the reason for the high turnover rate within the bureau. The workers are leaving to take on jobs that are less stressful. Meanwhile the children who are in need of help and protection are being jeopardized while the law makers are trying to get it right. This is the story of one foster care child.

Key terms: Child welfare, Child abuse, Milwaukee, Foster care

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Introduction

The Bureau of Milwaukee Child Welfare (BMCW) is an agency that works with families to uphold the safety of children. They provide services to families in crisis, helping children who are neglected and abused by placing them into a safe and stable environment. This environment often includes the services of foster care and adoptive families. The BMCW assists families in finding and providing this shelter which may be permanent or temporary depending on parental involvement and matters that make every case a unique situation. Case managers are expected to expand on the protective abilities of the parents and to keep the child a priority. Their declared goal has been said to keep children safe, but how successful have they been?

Countless families have undergone experiences with the BMCW which caused them great difficulty. Case managers and social workers help families complete the process, but are they involved enough? Lack of attention to the child or children in question have caused families not only to be torn apart, but also caused preventable young fatalities to occur during or after case investigation. The irrefutable evidence of neglect for child safety has marred the expectations which we should be able to rely on for the children and families in our community.

Statement of the Problem

In the past changes were made to make the system more effective. However, it is still a question of whether or not these changes were adequate. If not, what else can be done to improve the conditions which workers are expected to meet? What else can be done to completely assure the child is safe and secure?

Definition of Terms

BMCW: Bureau of Milwaukee Child Welfare

Foster Care: The process of placing a child with a family other than their own temporarily due to challenges that have taken place within the family (adoption.com). This process may also take place while adoption elements are being completed.

Reunification: A situation when a child was previously removed from their original home due to negative elements and the case worker should try to get that child back to their biological home (adoption.com). This takes place when, and only when, the circumstance has improved and is acceptable for the child to live in.

Ongoing Case Manager: A professional who is to work with families under Children in Need of Protection or Services (CHIPS) court orders. Ongoing case management services are designed to achieve a permanent home for children, including reunification with their family whenever possible.

Respite Care: Temporary child care for parents or foster parents which allows them to have a needed break from the stress of caring for a child or adolescent, or for other reasons that help sustain the family structure.

Termination of Parental Rights (TPR): This could be voluntarily or involuntarily, ends the parent's legal ties to the child/ren

Significance of the Study

The study of Child Mortality in the context of the Child Welfare System is an important topic to bring awareness to the community and alert professionals of the problem in the system

Purpose of the Study

The intent is to provide a broad overview of the literature and more specifically describe how the child welfare system works in Milwaukee Wisconsin. Moreover, the purpose of the study is to provide a concrete example of how children are affected when the system did not work.

Delimitations

The study was conducted over a hundred and twenty days. The search for literature was informed by the general “google” search, the use of EBSCOHOST using selected search engines, especially Psy Info. Both searches used the terms “Child Welfare and Child Mortality”. An additional search was done to locate Milwaukee based documents. The report reflects the nature of investigative journalism and participant observations by the author. Only names used by investigative reporters are used.

Methodology

The paper is primarily a review of literature from investigative journalism and government documents.. A bibliography of traditional scholarly resources is provided in the Appendix. Milwaukee based resources, including newspaper investigative journalism are used to describe the city welfare system. Then, a specific case is reviewed along with brief summary of cases is mentioned. Finally, conclusions and implications for the citizen policy influence and professionals are provided. The opinions expressed reflect the journalistic investigations and the views of the author.

CHAPTER TWO

Review of Literature

Students of child welfare and child mortality typically address a variety of themes. A review of some selected journal articles suggest that high caseloads, high turnover rate of case managers are typically addressed. (Please see Appendix A for a selected bibliography of journal resources). As mentioned in Chapter One the intention is to give an overview of the problem and a brief look at what is being done to correct the problem within the system.

The Child Welfare System and Child Mortality

The Federal Child Abuse Prevention and Treatment Act (CAPTA) of 2010 defines child abuse and neglect as: “Any recent act or failure to act on the part of a parent or caregiver which result in death, serious physical or emotional harm, sexual abuse or exploitation”, or “an act or failure to act which presents an imminent risk of serious harm.” This is the Federal legislation guide to states that identifies the minimum set of acts or behaviors that defines child abuse and neglect. (childwelfare.org) This definition of child abuse and neglect refers to parents and caregivers and a child would mean a person younger than the age of eighteen or who is not an emancipated minor.

CAPTA gives a definition for sexual abuse and special cases of neglect related to holding back or failing to give medically indicated treatment, but it does not give a specific meaning for other types of maltreatment like physical abuse, neglect, or emotional abuse. For States that accepts CAPTA funding, the Federal legislations sets a minimum standard, each State provide its own definitions of maltreatment within civil and criminal statutes. (childwelfare.org)

The reporting of data is done in three way: “ *AFCARS*, The Adoption and foster Care Analysis and reporting System (*AFCARS*)collects case-level information from state and tribal title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement. Title IV-E agencies are required to submit *AFCARS* data twice a year. *NCANDS*, The national Child Abuse and Neglect Data System (*NCANDS*) is a voluntary data collection system that gathers information from all fifty states. *NYDT*, The National Youth in Transition Database (*NYTD*) collects information about youth in foster care, including outcomes for those who have aged out of foster care.” (acf.hhs.gov)

The Federal Fiscal Year (FFY) 2011 estimated that 1,570 children died because of abuse and neglect, this is a national estimate. The reported fatalities because of child abuse and neglect has changed during the past five years from 1,608 in 2007 to a high of 1,685 in 2009 and a low of 1,545 in 2011. Of these fatalities children under the age of one year old are at a higher risk. The reasoning for this is that they are unable to defend themselves. (Child Maltreatment 2011)

Four-fifths (81.6%) of the fatalities of children were under the age of four. Children who were under the age of one year died from abuse and neglect at a rate of 16.80 per 100,000. It seems that the fatality rate decrease with age. If the child was seventeen the death rate drop down to 0.12 per 100,000. The study also shows that boys are at a higher risk then girls and African American children are also at a higher risk then other ethnic background (Child Maltreatment 2011). These numbers do not reflect the number of children that suffer maltreatment once they are under the care of protective services. Stats on a national level that shows the number of children who suffered maltreatment while they were under child protective service was not available. Was able to finds the numbers on a local level

Child Welfare System in Milwaukee Wisconsin

“The mission the Bureau off Milwaukee Child Welfare (BMCW) is to promote the best interest of children by supporting and encouraging families’ efforts to resolve problems that threaten the safety of their children. We remove children from their homes when they are not safe. When children cannot be reunited with their families, we will provide suitable alternative in permanent, stable, and nurturing homes” (dcf.wisconsin.org).

Reading the BMCW mission statement you would think children are being removed from an unsafe environment and place in an environment where they would be safe. Well unfortunately that is not the case many children are still being left in unsafe environment. There was even a case in 2008 were two children was placed in a foster home which became deadly for one child and the other child severely abused. These two cases caused outrage in the Milwaukee community which caused the State to take action to make improvements within the Milwaukee Child Welfare system.

In 1998 the state took control over the Child Welfare System, previously the system was run by the county. The changeover was made after a federal class action lawsuit that was filed, by Children’s Rights and co-counsel, “Jeanine B. v. walker in 1993”. The suit was brought about because the Milwaukee child welfare system was badly ran which caused them to fail when it came for them to protect the safety and the wellbeing of the children that was in their care. So in 2002 a settlement agreement mandating a complete overhaul of the child welfare system was reached (childrensright.org). With the settlement agreement in place there still was some problems with the system. It took the death of a child, Christopher Thomas in 2008 to get the Wisconsin officials to take steps to fix the problems that still existed within the child welfare system. Christopher’s tragic death brought to light the consequences of the agency’s continued

non-compliance with the federal court order. BMCW did make some improvements under the court order mandating it reform but there were still some critical areas in which they failed to adequately protect abused and neglected kids. The State did agree to do whatever they had to do to ensure that the children in its custody remain safe and that every child's stay in foster care is made short as possible (childrensrights.org).

Children's Rights and Wisconsin officials met for months to come up with a Corrective Action Plan to help address the state's failure to meet key requirements that was part of the settlement federal court decision. Some of the terms under the Corrective Action Plan are:

“BMCW must increase monitoring of agencies and facilities servicing children in the child welfare system. BMCW must consult with a national expert to conduct an assessment of the placements and services needed by children in state custody and develop a strategic foster home recruitment and retention plan. BMCW must increase the number of foster homes. BMCW must conduct special targeted meetings to review and address the specific needs of foster children. BMCW must improve mental health assessment and crisis services for children. BMCW must address workforce issue. BMCW must improve training for caseworkers and judges who preside over children welfare hearings.” A full text of the Action Plan and the settlement agreement can be found on the Children's Rights website. (childrensrights.org)

On November 13, 2009 the “2009 Wisconsin Act 78” also known as the Christopher Thomas Law. This law became effective February 1, 2010. This “Act requires the Department of Children and Families, Division of Safety and Permanence (DSP) to notify the public in cases of child death, serious injury and egregious incidents due to maltreatment or suspected

maltreatment and cases in which a child in out-of-home care (OHC) placement is suspected to have committed suicide” (dcf.wisconsin.gov).

Within two working days of learning of an incident the County agencies and the Bureau of Milwaukee Child Welfare must make a report. Within the following two working days DSP must notify the public that an incident occurred and is being reviewed by the Department. A complete summary report must be completed within ninety days and given to the Governor and the appropriate legislative committees, and it also has to be made available to the public (dcf.wisconsin.gov). “The act further requires that DSP prepare and transmit to the Governor, appropriate legislative committees and make available to the public a quarterly summary report of all reports of children in OHC placement that are allegedly sexually abused. The DSP must include in the annual report whether the sexual abuse resulted in any child injury, disease or pregnancy” (dcf.wisconsin.gov).

“Please note: At the time the public is notified about an incident (i.e., "Public Notification of a Child Death, Serious Injury or Egregious Incident"), maltreatment of a child is suspected, not confirmed. The initial notification only informs the public that the DSP has been notified about a qualifying incident under the Act. A determination of substantiated or unsubstantiated maltreatment will not be known for at least 60 days during which time the local child protective services agency conducts an assessment of the allegations and the family” (dcf.wisconsin.gov).

Even with these new laws put into place Milwaukee Bureau of Child Welfare is still having some major problems. As of July 2014 two State Representatives found that the Bureau has a serious backlog of cases that are in need of being processed. They found that there were 2,806 child welfare cases that have been open sixty-one days or longer. They also found that a majority (2,300) of cases have been open for more than ninety days. These two Representatives consider this number to be unacceptable and they also found that over 2,000 cases have been backlogged since February 2014 (JOnline, 2014).

These two Representatives are demanding information on the number of caseworkers employed by the Bureau of Milwaukee Child Welfare who are responsible for the initial assessments. They also want to know how the number of cases assigned to each worker. Even though the numbers do not tell the whole story they are still important. The Bureau is known to be a very high turnover employer. This high turnover is caused by heavy caseloads given to their workers with new cases coming in on a daily basis. Until they're able to turn the high turnover around the Bureau will continue to have problems and the ones that will suffer from this will be the children who are in need of protection. (JOnline, 2014)

The Journey

The child welfare system in each state has the responsibility to ensure the child's safety and well-being is being met. The system is made of several different major components:

Foster care. Is a fulltime place where children are to live when they are removed from their parents or guardian . The state has the responsibility of these children. Foster care has the responsibility to meet the physical needs of the children. They provide food and shelter for the children who have been place in their homes. (Pew 2003)

*Child protection services-*This is generally a part of the child welfare system that offers a more narrow set of services. They receive and respond to neglect allegation and child abuse; they provide the initial services to help the family become more stable. (Pew, 2003)

Juvenile and family court. 'courts with specific jurisdiction over child maltreatment and child protection cases including foster care and adoption cases. In jurisdictions without a designated family court, general trial courts hear child welfare cases along with other civil and criminal matters. (Pew, 2003)

- Other child welfare services- Along with the services mentioned above, these service pays attention to the family problems that's in connection with child abuse and neglect. This service would include reunification for the family, adoption, guardianship, independent living, and family preservation. (pew,2003)

When a child enters the child welfare system, the child and the family are at the mercy of the judges, case managers, lawyers, and others who makes the decisions over their lives. Each one of them have an important role in the outcome of weather the child goes back home to their parent/s or if parental rights are terminated. Their maybe other important adults this child may encounter and they are foster parents, counselors, doctors, and visitation specialist. (Pew, 2003)

A child's journey through the system is as followed:

- A report is made to the Child Protection Service (CPS), of abuse or neglect and the agency responds.

A mandated reporter, a concern citizen or relative are usually the ones to make a report of abuse or neglect to CPS. (Pew, 2003)

- CPS either finds that the abuse or neglect is founded or unfounded.

If the case is unfounded the case is closed. If the agency finds that the child is at risk of abuse or neglect and assessment is done to determine if the child should remain in the home or removed.

Risk assessment could be talking with relatives and friends who may know the family. They could help the agency decide what services are needed like parenting classes, AODA counseling for the parents, domestic violence counseling, etc. (Pew, 2003)

- Petition from CPS to the court recommending that the child be removed from the residence and place under the supervision of the child welfare agency. (Pew,2003)

A series of judicial hearing begins at this point.

- Placement is determined by the court. Protective or Emergency Hearing
This hearing is held to find out if abuse or neglect has really occurred. Adjudicatory and dispositional hearing follows, the judge makes a decision based on part the child welfare agency's recommendation. The agency may recommend the following action:

- (1) The child could be sent home without services;
- (2) The child could be sent home with support services and supervision; or
- (3) The child could be removed from the home.

At each hearing these same options could be consider (pew, 2003)

- Dispositional and Adjudicatory hearing(s):
Placement and reunification plan is approved by the court, at this point the court can determined if the child should be removed from the home. If the child is removed, they are now in state custody and the family is now involved in the juvenile or dependency court system. (Pew, 2003)

The child is assigned a case manager and a case plan is developed detailing the following:

- 1) What services are needed such as AODA counseling, family, counseling, mental health, or domestic violence counseling.
- 2) Goals for reunification, schedule for visitation, return home target date can be discussed.

3.) If reunification goals are not met permanent placement is set into motion. Meaning, if the parents should decide not to complete the case plan set up by the court and the case manager (Pew, 2003).

The court system can review and make changes to the plan 4) the child is placed with a relative, non-relative foster home, a residential facility, or a group home. (Pew, 2003)

5: After six months the courts will look over the case and the parent's progress in completing the goals that was set for them. At the twelve month period a permanency hearing is held. (Pew, 2003)

- During the permanency hearing the courts decide if the child should be returned home or parental rights should be terminated. The court may even decide to give the parents more time to complete the plan that was required of them in order to reuniting the family. So the case may be open longer then twelve months.(pew,2003)/

Chapter 3

A Family Story

Many families have found themselves doing battle with the BMCW; they find themselves working with difficult case managers with their own agenda. The head of the family find themselves representing themselves fighting to get their child/ren back. Meanwhile the children often go through several homes which cause them to feel alienated, traumatized, and depressed. All of these feelings could seriously hinder their growth and way of living in the future.

One example of this was a case involving domestic violence. The police were called to many times to the home. The husband was taken into custody and the children were placed in a foster home out of the county. The children were taken because the officers felt that the mother could no longer effectively care and protect her two children from the abusive man she had married. The children were ages two and eleven months. While the husband was doing time in the County jail, the mother was left alone to fight for their children. She first was assigned a case manager who wanted to work toward reunification.

While her husband was in jail she was to attend parenting classes, and counseling for domestic abuse, along with visiting her children five days a week for five hours unsupervised. A visitation worker would transport the mother to the other County to visit her children. During the process the mother ended up living with a relative because she had no income to keep the place where they were living. After a few months her case manager left her position and another case manager was assigned the case. This is when everything began to change and it became overwhelming and very stressful for the young mother.

The foster care parents that was taking care of the children had made up in their minds that they was going to do whatever they could to get custody of these children. They had grown to love the children and they wanted to adopt them. The old case manager that was on the case knew what they were trying to do and she did not side with them. She was very much aware that her job was to try and reunited the family not tear them apart. But the new case manager did not have that thought process, she began to side with the foster parents and this is when the young mother struggle became much harder.

Now the mother had no one on her side to help her reunite her family. She was force to endure new hardship. The new case manager began to slowly reduce her visits from five days a week to two with only three hours. This began to take a toll on the children because now they were only able to see their mother twice a week. They had a hard time when it came to ending the visits. The children would cry and scream for their mother.

Now the mother who was abused by her husband is now being abused by the system that is supposed to help her. She is being told that the only way to get her children is that she would have to divorce her husband, get a job and find a place for her and her children. The case manager had insistently tried to convince her that she was an unfit parent because of her refusal to divorce her husband (who was still in jail at the time). Her case worker had become unprofessional and emotionally involved. She had her own agenda, having nothing to do with right or wrong. However, despite her trials, she stood strong in hopes of keeping her family together. After a year her husband was released from jail and he joined the fight to get their children back. The couple was helped by a visitation worker that was taken off the case because she was advising the young mother to continue to fight for her children and not to listen to what

the case manager had to say. She also tried to help the mother to get the case manager removed from the case with no success.

The visitation worker provided the couple with a place to stay so they could concentrate on what they had to do to get their children back. They both followed the orders of the court, they went to marriage counseling, the husband had to have batter's counseling and mother continued her counseling. The visitation worker unfortunately lost her job. But in the end the Judge saw what was going on and he ruled in the favor of the couple and they were able to get their children back.

This is only one example of what may cause problems during the process of keeping a child safe. Case managers are given too much power over these family's lives. Instead of the BMCW contracting visitations out to a second party the case manager should be made to do the visits so they can get to know the families much better and they can see for themselves whether or not the family should be reunified or not.

They would be able to witness for themselves how the parents interact with their children, which could help them to make a better judgment on whether parental right should be terminated or not. This suggestion could also back fire, especially in the case mentioned above. The case manager would be given additional power to manipulate the visit notes to suit her agenda.

In Milwaukee County between the times of 2004 to 2008 there have been at least twenty-two deaths of children who were in the foster care system. The warning signs were there and BMCW was aware of these signs. This was the finding of the local newspaper Journal Sentinel. Here are some of the cases that the BMCW failed to protect:

Julius Oliver, twenty two months, died October 7, 2005. Both he and his sister were left home alone when a stove fell on him causing his death. Complaints about his mother were called in twice to the Bureau within a period of five months before his death. (Spice, 2005)

Jordan Robinson age 2, mother's boyfriend was teaching him how to box and he beat the boy to death. Reports were made to the bureau two times once a year before and then again two days before Jordan's death. He died June 1, 2006. (Johnson, 2006).

Cases similar to this are not uncommon with the BMCW (Barton,2009). One such case was also reported in the Journal Sentinel about Jatavius McKillion and his brother. Jatavius had died at eighteen months old of starvation while his brother relied on food which he had hid in a closet. At six years old, the boy had never seen a school, did not own a toothbrush, and could not spell. The BMCW had received calls about the mother three times as well as the aunt who mutually resided with the family (Barton, 2009).

On November 11, 2008 thirteen month old Christopher Thomas was beaten to death while he was under the care and the protection of the state run Bureau of Milwaukee Child Welfare system (BMCW). Christopher's death sparked community outrage. Christopher and his two year old sister endure months of torture while they were supposed to be protected by the BMCW (Haggerty, 2008).

From the examples given above it is clear that more has to be done when it comes to protecting our children. In some of the cases it seems as if there was not enough done as far as monitoring and checking into what was really going on in many of the household where the BMCW was called and a complaint was made.

Conclusion

It is pretty clear that there are many problems within the Child Welfare system. New laws and regulation continue to be put in place to help ensure the safety of children within the system. Some improvements have been made but there are still problems within the system. While regulators are trying to get it right, children are still falling through the cracks and they are being unprotected by the system. Until the turnover rate of case manager and the high case loads are address the system will continue to have problems. More workers need to be hired and adequate training must be put in place in order for the system to head in the right direction. Also the case load must be looked at and maybe new positions should be created to lighten the responsibilities of the case managers. These things should continue to be looked at in regards to solving the problems within the system. Until then the problems will continue while children safety continue to be put in jeopardy.

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Appendix

Scholarly Resources

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